

AGRICULTURAL LABOR RELATIONS BOARD
OFFICE OF THE EXECUTIVE SECRETARY
1325 J STREET, SUITE 1900
SACRAMENTO, CA 95814-2944
(916) 894-6840
FAX (916) 653-8750
Internet: www.alrb.ca.gov



STATE OF CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD
PUBLIC MEETING MINUTES
WEDNESDAY, JANUARY 11, 2023
10:00 A.M.

1500 Capitol Avenue
Sacramento, CA 95814

Board: Chair Victoria Hassid
Members Ralph Lightstone, Barry Broad, Isadore Hall, and
Cinthia Flores
Executive Secretary Santiago Avila-Gomez
Chief Board Counsel Todd Ratshin

Administrative
Services Division: Brian Dougherty

General Counsel: Julia Montgomery

Interpreter: Anabelle Garay

These meeting minutes include Appendices, which provide additional information about topics that were addressed during this ALRB Public Board Meeting. Each Appendix is referenced at the appropriate place within these Minutes.

Open Session

1. Call to Order
 - Board Chair Victoria Hassid called the meeting to order at 10:01 a.m.
 - Board Members Broad, Flores, Hall, and Lightstone present.
2. Approval of Minutes from Public Board Meeting, December 1, 2022
 - Board Member Broad moved to approve the minutes from the Public Board Meeting, December 1, 2022.

- Board Member Flores seconded the motion.
 - Motion approved by 5 to 0.
3. Board Chair's Report – presented by Victoria Hassid
- Extended gratitude to Indio Office staff and Regional Director Blaz Gutierrez for reception on November 30th, 2022, and Sacramento HQ staff for facilitating travel.
 - Acknowledged participation of TODEC and Desert Health District on December 1st, 2022 panel.
 - Reported on AB 2183 implementation. Guidance is available at <https://www.alrb.ca.gov/ab-2183-guidance/>.
 - Reported on Budget Change Proposals (BCPs).
 - Acknowledged commemoration of Martin Luther King Jr Day.
 - Congratulated Board Member Isadore Hall on re-appointment.
4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings
- See Appendix A.
5. Litigation Report
- See Appendix B.
6. General Counsel's Report
- Reported on cases in Santa Barbara, Tulare, Ventura, and Santa Cruz Counties.
 - Reported on outreach and participation with Community-Based Organizations and state agencies in Tulare, Santa Barbara, Monterey, Imperial, Santa Cruz, Riverside, Lake, Madera, Ventura, and Sonoma Counties.
 - Extended appreciation to General Counsel staff, seconded by Board Chair.
 - Board Chair commented further on sanitation and drinking water issues and highlighted role of CalOSHA.
7. Division of Administrative Services Report
- Reported on BCPs sent to Legislature in January 2023, including impact on staff recruitment.

- Reported on consolidated BCP with the Labor & Workforce Development Agency, to support relocation of Sacramento HQ.
- Extended appreciation to Administrative Services staff and IT Manager Rafael Diaz, seconded by Board Chair.

8. Legislative Report

- None.

9. Regulations

- Rulemaking process underway, Public Comment period closes Tuesday, January 17th.

No Closed Session

10. Public Comment (The Board additionally solicits public comment after discussion of each agenda item of the open meeting.)

- None.

11. Announcements

- The next Public Board Meeting will be held on January 25th in Sacramento, including updates on ALRB branding and outreach.

12. Adjourn Meeting

- Meeting adjourned at 10:37 am.

APPENDIX A: EXECUTIVE SECRETARY'S REPORT

STATE OF CALIFORNIA

GAVIN NEWSOM, *Governor*

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ALRB PUBLIC MEETING EXECUTIVE OFFICER'S REPORT ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, AND HEARINGS

DATE: January 11, 2023
TO: Agricultural Labor Relations Board
FROM: Santiago Avila-Gomez, Executive Secretary

Consolidated Complaint

1. *Monterey Mushrooms, Inc., 2020-CE-042-SAL & 2021-CE-007-SAL*
(Mushrooms; Monterey County; December 30, 2022)

APPENDIX B: LITIGATION REPORT

STATE OF CALIFORNIA

GAVIN NEWSOM, *Governor*

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ALRB PUBLIC MEETING LITIGATION REPORT

DATE: January 11, 2023
TO: Agricultural Labor Relations Board
FROM: Todd M. Ratshin, Chief Board Counsel

This report discusses updates and developments that have occurred in litigation matters involving the Board since its December 1, 2022 meeting.

Petitions for Writ of Review of Unfair Labor Practice Decisions

California Appellate Courts

- ▶ ***Cinagro Farms, Inc. v. ALRB***, Second District Court of Appeal, [Case No. B322632](#)

Summary: Petition for writ of review of the Board's decision in 48 ALRB No. 2, in which the Board found respondent Cinagro Farms, Inc. unlawfully misclassified a crew of workers and terminated them in retaliation for their protected complaints regarding the form of their paychecks and paystubs. In addition, the Board assessed civil penalties against Cinagro pursuant to Labor Code section 226.8 for willfully misclassifying the workers.

Status: Cinagro filed a petition for writ of review on August 24, 2022. The Board filed the certified record on September 1. Cinagro filed its opening brief on October 4. The Board filed its respondent's brief on November 7. Cinagro filed its reply brief on December 2. On December 16, the California Department of Industrial Relations filed an application for leave to file an amicus brief in support of the Board, which the court granted on December 21. The deadline for Cinagro to file a response to the amicus brief was January 10. Cinagro did not file a response. The matter now is pending issuance of an order dismissing the petition or granting the writ of review.